

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. TIM SCHMITZ

EXECUTIVE DIRECTOR:
VICKI THOMAS



700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
211/785-2254

SEN. PAMELA ALTHOFF
SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. DALE A. RIGHTER
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DAVID R. LEITCH
REP. DONALD L. MOFFITT
REP. ANDRE´ THAPEDI

MINUTES

September 17, 2013

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on September 17, 2013 at 11:00 a.m. in Room 16-503 of the James R. Thompson Center, Chicago, Illinois.

Co-Chair Schmitz called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Don Harmon	X Representative Lou Lang
X Senator Tony Muñoz	X Representative David Leitch
Senator Sue Rezin	X Representative Donald Moffitt
Senator Dale Righter	X Representative Timothy Schmitz
X Senator Ira Silverstein	X Representative Andre´ Thapedi

APPROVAL OF THE MINUTES OF THE AUGUST 13, 2013 MEETING

Representative Leitch moved, seconded by Senator Harmon, to approve the minutes of the August 13, 2013 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

PROPOSED RULEMAKINGS

Department of Children and Family Services – Licensing Standards for Child Welfare Agencies (89 Ill. Adm. Code 401; 37 Ill. Reg. 6927)

Senator Munoz moved, seconded by Representative Lang, that JCAR recommend that, in the future, the agency reflect federal regulatory changes in a more timely manner. The motion passed unanimously.

Department of Financial and Professional Regulation – Interior Design Profession Title Act (68 Ill. Adm. Code 1255; 37 Ill. Reg. 8089)

Representative Thapedi moved, seconded by Senator Althoff, that JCAR recommend the Department be more timely in proposing rules implementing statute. This rulemaking was proposed almost 3 years after PA 96-1334 reauthorized the Act. The motion passed unanimously.

Department of Financial and Professional Regulation – The Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275; 37 Ill. Reg. 8103)

Senator Harmon moved, seconded by Representative Harris, that JCAR recommend that the Department be more timely in proposing rules implementing statute. This rulemaking was proposed over 3 years after PA 96-730 reauthorized the Act. The motion passed unanimously.

Health Facilities and Services Review Board – Narrative and Planning Policies (77 Ill. Adm. Code 1100; 37 Ill. Reg. 3934) and Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110; 37 Ill. Reg. 3982)

Representative Lang moved, seconded by Senator Silverstein, that JCAR and HFSRB agree to extend consideration of these rulemakings for an additional 45 days to allow HFSRB to address additional public comment. The motion passed unanimously.

Department of Natural Resources – Grant Review and Processing Fees (17 Ill. Adm. Code 3000; 37 Ill. Reg. 2843)

Representative Moffitt moved, seconded by Senator Harmon, that JCAR and DNR agree to extend consideration of this rulemaking for an additional 45 days so DNR can address public comment. The motion passed unanimously.

Department of Public Health – Illinois Water Well Construction Code (77 Ill. Adm. Code 920; 36 Ill. Reg. 17308)

Senator Althoff moved, seconded by Representative Harris, that JCAR and DPH agree to extend consideration of this rulemaking for an additional 45 days to allow DPH to address public comment. The motion passed unanimously.

EMERGENCY RULEMAKING

Department of Healthcare and Family Services – Hospital Reimbursement Changes (89 Ill. Adm. Code 152; 37 Ill. Reg. 13589)

Representative Leitch moved, seconded by Senator Silverstein, that JCAR object to the third sentence of Section 152.300(g)(5) of this emergency rule because the Department has been unable to substantiate the existence of any emergency situation that requires adoption of this provision in less time than required for adoption through the proposed rulemaking process. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Schmitz asked if any member desired consideration of any other rulemaking. No member responded in the affirmative.

CERTIFICATION OF NO OBJECTION

Representative Lang moved, seconded by Representative Harris, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously, except that Co-Chair Schmitz and Representative Leitch voted "No" on Tabs 5 through 9 (State Board of Education rulemakings implementing Common Core-aligned math and literacy standards for elementary and middle grades).

EXPEDITED CORRECTION

Department of Healthcare and Family Services – Practice in Administrative Hearings (89 Ill. Adm. Code 104; 37 Ill. Reg. 14302)

Senator Althoff moved, seconded by Senator Silverstein, that JCAR approve and certify the request of the Department of Healthcare and Family Services for an Expedited Correction of this rulemaking that was adopted in the 8/9/13 Illinois Register (37 Ill. Reg. 12838). The effective date of this Expedited Correction is 7/24/13. The motion passed unanimously.

AGENCY RESPONSES

Department of Central Management Services – Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10; 37 Ill. Reg. 3460)

Given the appropriateness of the Department's responses, no further action. Staff will monitor CMS action on this subject.

Department of Commerce and Economic Opportunity – Illinois Film Production Services Tax Credit Program (14 Ill. Adm. Code 528; 36 Ill. Reg. 9823)

Department of Public Health – Child Health Examination Code (77 Ill. Adm. Code 665; 37 Ill. Reg. 60) and Immunization Code (77 Ill. Adm. Code 695; 37 Ill. Reg. 77)

Based on the appropriateness of the agencies' responses, no further action.

OCTOBER MEETING DATE

Co-Chair Schmitz announced that the next monthly meeting is scheduled for Tuesday, October 22, 2013 at 9:00 a.m., Room C-1, Stratton Office Building, Springfield IL.

ADJOURNMENT

Representative Harris moved, seconded by Representative Moffitt, that the meeting stand adjourned. The motion passed unanimously.

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